

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Danny Albert Nichols,

Plaintiff,

Case Number: 23-10570

Honorable Denise Page Hood

v.

Jodi Deangelo, et al.,

Defendants.

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**OPINION AND ORDER**  
**(1) GRANTING MOTION TO AMEND (ECF NO.12)**  
**(2) DENYING MOTION FOR TIME EXTENSION (ECF NO. 14), AND**  
**(3) DENYING MOTION TO APPOINT COUNSEL (ECF NO. 15)**

Plaintiff Danny Albert Nichols, Jr., filed a *pro se* complaint for money damages under 42 U.S.C. § 1983. (ECF No. 1.) He named six employees of the Michigan Department of Corrections as defendants and alleged they violated his rights under the Sixth and Eighth Amendments. On May 18, 2023, the Court dismissed Defendant Jodi Deangelo and dismissed Nichols' claims alleging a Sixth Amendment violation. (ECF No. 10.) Because Nichols named the defendants in their official capacities only, the Court also ordered Nichols to show cause why the case should not be dismissed based on Eleventh Amendment immunity. (*Id.*) Now before the Court are Nichols' motion to amend (ECF No. 12), motion for time extension (ECF No. 14), and motion to appoint counsel (ECF No. 15).

Nichols seeks to amend his complaint to name all parties in their personal capacities. The Court grants the motion and deems the complaint amended to reflect this change. At this time, the Court will not require Nichols to file a separate amended complaint.

Nichols also filed a motion to extend the time to respond to the show cause order. The Court has accepted Nichols' amendment to the complaint, naming the remaining defendants in their personal capacities. By amending the complaint, Nichols has adequately responded to the show cause order and an extension of time is unnecessary. The motion will be denied.

Finally, Nichols seeks appointment of counsel to assist him in litigating this case. The Court has discretion to determine whether counsel should be appointed in a civil case. *Garrison v. Michigan Department of Corrections*, 333 F. App'x 914, 917 (6th Cir. 2009). The Court finds that the interests of justice do not require the appointment of counsel at this time. *See* 18 U.S.C. § 3006A(a)(2)(B).

Accordingly, the Court GRANTS Plaintiff's motion to amend (ECF No. 12) and DENIES Plaintiff's motion for time extension (ECF No. 14) and motion to appoint counsel (ECF No. 15).

IT IS SO ORDERED.

s/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: July 19, 2023